

HOWARD UNIVERSITY
WASHINGTON 1, D. C.

COLLEGE OF MEDICINE
DEPARTMENT OF MEDICINE

Division of Dermatology
Freedmen's Hospital
Washington, D. C. 20001
September 3, 1965

Leonidas H. Berry, M. D.
412 East 47th Street - #26
Chicago, Illinois 60653

Dear Doctor Berry,

It was good to talk to you on the phone the other night. I have asked Mr. Kirkpatrick to write you as you requested, but as you know he is preparing to leave the city for Europe at the end of this week but he has promised to get something off to you or at least to give to George Windsor a draft of some material for you so that you will be hearing something from Kirkpatrick-Windsor in one way or another.

I have been thinking further about our conversation. Kirkpatrick and Windsor and I all three feel that to just do another round of talking without having specifics will be meaningless. We will all do what has been done before at times, just exchange platitudes. As Kirkpatrick has pointed out, we are now in a much stronger position than we have been previously now that Title VI of the Civil Rights Act is now in force. Instead of our saying as we had to do during my tenure in office and before Title VI, "now Mr. AMA won't you please do something about this?" We can now say "Mr. AMA, we are all law abiding people. What can we do now to obey the law?" In other words, with Title VI behind us we have ~~a little~~ more teeth in our position. We can talk now from a position of strength, rather than weakness.

The most meaningful accomplishment of the Liaison Committee formally I think was the one case that we brought to Dr. Blasingame's attention and that informally, that of a Dr. S. Cochran of North Carolina where he was unable to get anywhere on his hospital application over a period of some five years. I took the matter up personally with Dr. Blasingame and just what happened I do not know except that Dr. Cochran is now on the staff and is now satisfied. Dr. Blasingame had indicated previously that perhaps some interest exhibited in the local question, a phone call or two from his office and personal efforts might go a long way toward solving some of these situations. Now, how are you as NMA president going to find some of these situations? It is the position of Messrs. Kirkpatrick and Windsor that we will be lost unless we carry to them some specific examples of discrimination. Where we had left the most meaningful negotiations before when I was going out of office was at the point where we, NMA, were to present to them some thirty or forty specific instances and then Dr. Blasingame's office would examine each one and look into it and see what could be done to help.

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I think this would be the most meaningful accomplishment this time, Dr. Berry. If we could dig up and unearth perhaps even fifty specific cases among our men where our men said that there was an unfair situation in their locality, that they were qualified and were not able to get on the hospital staff or we had other cases of discrimination, it we could present these over the conference table to the AMA, document them as far as we were able but not unreasonably so, and then present them at the time of our next meeting, then give them an opportunity to see what can be done about them, I feel this would be a very meaningful contribution and we would be getting somewhere.

Now as to getting those cases. Under my aegis, I believe it was, Mr. Smith prepared a questionnaire and sent it out to the various medical societies and on the basis of those answers, individual letters, etc. that he got back we were able to extract some cases and detect the pattern of discrimination throughout the south and even some places in the north. If you would think well of this, it might be wise and pertinent now for you to write a letter to our constituents, possibly an individual letter to each doctor, possibly a letter in your capacity as president regarding NMA in general could be included and you could also have this separate sheet in the envelope with the questionnaire as to discrimination and asking such questions that would give us the definitive material. Kirkpatrick had helped us to draw up such a questionnaire in my time and I'm sure that if we would unearth that and make appropriate modifications to fit your own viewpoints, such might be done again. In that way we could again have a good backlog of solid information and specific cases to present to the AMA. All of this now is just for your consideration, should you choose to act in this way and to implement it after further thought. It is just a suggestion.

I should like to mention one other thing also, in all of our liaison committee meetings during my term as president, we carried an attorney with us. They invariably had their attorney present, but when it came time for Drs. Cobb and Clement to go, they carried no attorney and I felt we were in a vulnerable position by not having our own attorney with us.

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Legal points came up which their attorney brought forth and which we could not well answer, not having our attorney with us. Now Mr. Coleman was the man who represented us at first and then as his schedule became busier, he delegated such matters to our Associate Counsel, George Windsor. If you think well of this, I would suggest that you inquire of Mr. Coleman as to his availability for such and possibly suggest that if he weren't too busy that we could call upon the Associate Counsel, Mr. Windsor. George is much interested in this and I have the general impression that Bill Coleman is far too involved in his own legal matters in Philadelphia to be greatly interested in attending. I could be wrong and of course we would want to go through channels and clear this with him and thus ascertain his availability and interest in the event that he is indeed interested in attending the liaison committee sessions. This is just another matter and suggestion for your own consideration.

Another matter that has come up in discussions between Kirkpatrick, Windsor and myself is the matter of NMA representation on the Committees now negotiating with the Government regarding Medicare. You may know that I made a motion in the Board of Trustees meeting which was passed to the effect that the president of the NMA and the Chairman of the Board of Trustees be specifically authorized and directed by the Board to approach the Government or appropriate people to see that the NMA is represented in the conferences on Medicare and in the advisory posts. This could be well done by you with a direct approach to the Secretary of HEW and possibly to the White House itself, should you deem it wise. I might think that, at your discretion, a conference might well be had with the Secretary of HEW by yourself and/or with a Committee asking for such a representative and inquiring particularly into appeals procedures with regard to colored patients in the south when a white doctor arbitrarily sends the patient out to a nursing home when indeed the patient is one requiring high quality hospital care in the hospital. You will recall that the new Medicare legislation calls for a decision within three days on the part of doctors in the hospital as to whether or not the patient needs hospitalizing or should be sent out to a nursing home for care and indeed after a certain period even the nursing home care must be reviewed as to whether the patient needs it or stays in the nursing home.

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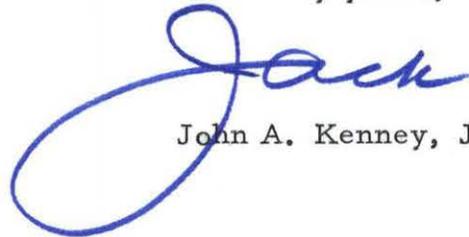
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These are areas where discriminatory practices may very well enter and NMA would want to make sure, in our own interests, that there are safeguards and appeals procedures from arbitrary decisions on the part of white physicians in the south.

I'm sorry to have made this so long, but I wanted to put all of these before you for your consideration. I shall hope to be writing again before long on the Medical School matters that I mentioned, for these could well be introduced at the end of any possible conference which you might care to have at some future date with the Department of HEW. In short, I feel that you and NMA could make a substantial contribution to the situation at both Howard and Meharry, if I could interest you in the matter and furnish you with specifics.

Once again it was good to talk to you and I thank you for your audience and for any consideration you may want to give these views. Kindest regards and best wishes.

Sincerely yours,

A handwritten signature in blue ink that reads "Jack". The signature is stylized with a large, looping initial "J" and a long, sweeping underline that extends to the left and then loops back under the "k".

John A. Kenney, Jr., M. D.

JAK/ohw